

MANDATE

USDC SDNY
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DOC #:
DATE FILED: 12 2 JAN 2010

SDNY/MYNY
96. cv. 8414
Wood

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

Elsa Gulino, Mayling Ralph, Peter Wilds, Nia
Greene, on behalf of themselves and all others
similarly situated,

Plaintiffs-Appellees,

v.

Board of Education of the New York City School
District of the City of New York,

Defendant-Cross-Claimant,

New York State Education Department,

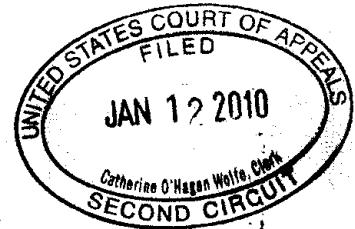
Defendant Cross-Defendant-Appellant,

New York State Board of Regents, David Steiner,
New York State Commissioner of Education,

Movants-Appellants.

**STIPULATION
WITHDRAWING
APPEAL**

No. 09-4292-cv



The undersigned counsel for the parties hereby stipulate that the above-captioned appeal is hereby withdrawn without costs and without attorneys' fees pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure.

Dated: New York, New York
January 5, 2010

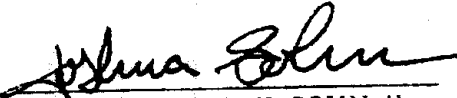
By: Cecelia C. Chang
CECELIA C. CHANG
Assistant Solicitor General

CERTIFIED:

JAN 12 2010

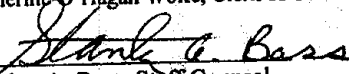
Attorney for Appellants
Office of the Attorney General
120 Broadway, 25th Floor
New York, NY 10271

Dated: New York, New York
January 2, 2010

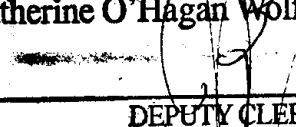
By: 
JOSHUA SAMUEL SOHN, Esq.

Attorney for Plaintiffs-Appellees
DLA PIPER LLP
1251 Avenue of the Americas
New York, NY 10020

SO ORDERED

FOR THE COURT
Catherine O'Hagan Wolfe, Clerk of Court
By 
Stanley A. Bass, Staff Counsel

JAN. 11, 2010

— A TRUE COPY —
Catherine O'Hagan Wolfe, Clerk
by 
DEPUTY CLERK